

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05cv234**

<b>GERALD MADVIG, Derivatively on Behalf of Nominal Defendant INGLES MARKETS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>JUDGMENT</b>
	)	
<b>CHARLES L. GAITHER, JR.; ROBERT P. INGLE; ROBERT P. INGLE, II; JAMES W. LANNING; JOHN O. POLLARD; CHARLES E. RUSSELL; LAURA INGLE SHARP; BRENDA S. TUDOR; and J. ALTON WINGATE,</b>	)	
	)	
<b>Defendants,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>INGLES MARKETS, INC.,</b>	)	
	)	
<b>Nominal Defendant.</b>	)	
	)	

**THIS MATTER** is before the court in accordance with 28, United States Code, Section 636(c), and on defendants' Motion to Dismiss (#11), and having determined that defendants are entitled to dismissal of this action as a matter of law, as shown in the Memorandum of Decision filed simultaneously herewith,

**IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** that defendants' Motion to Dismiss is **GRANTED**, and plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

Signed: October 11, 2006

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

